

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-CV-00536-FDW-SCR**

HEAVEN HOLT,

Plaintiff,

v.

BRETT M BORLAND P.C.,

Defendant.

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ORDER

THIS MATTER is before the Court on Plaintiff’s Motion for Default Judgment, (Doc. No. 6), filed pro se. The Court has reviewed the motion, and for the reasons set forth below, it is **DENIED WITHOUT PREJUDCE**.

“Although well-pled factual allegations are accepted as true for default judgment purposes, a party who defaults does not admit the allegations in the complaint as to the amount of damages.” Int’l Union v. Se. Protective Servs., No. 2:14cv162, 2015 WL 1916857, at *2, (E.D. Va. Apr. 27, 2015) (citing Fed. R. Civ. P. 8 (b)(6) (“An allegation--other than one relating to the amount of damages--is admitted if a responsive pleading is required and the allegation is not denied.”); see also Ryan v. Homecomings Fin. Network, 253 F.3d 778, 780-81 (4th Cir. 2001). Therefore, when a court determines that liability has been established in a default judgment setting, the court cannot accept damage-related allegations as true and must “make an independent determination regarding damages.” PharMerica East, LLC v. Healthlink of Va. Shores, LLC, No. 2:19cv456, 2020 WL 877983, at *3, (E.D. Va. Feb. 20, 2020); see also Etters v. Shanahan, No. 5:09-CT-3187-D, 2013 WL 787344, at * (E.D.N.C. Feb. 6, 2013) (“After a court determines, [] that a judgment by default should be entered, it must determine the amount and character of the recovery that should be


awarded.”) (citations omitted). In doing so, the court “may rely on affidavits or documentary evidence in the record.” PharMerica East, LLC v. No. 2:19cv456, 2020 WL 877983, at *3; see also E.E.O.C. v. North Am. Land Corp., No. 1:08-cv-501, 2010 WL 2723727, at *2 (W.D.N.C. Jul. 8, 2010).

Here, Plaintiff did not provide affidavits, documents, receipts, invoices, or other evidence to support a request for monetary damages. Indeed, neither Plaintiff’s Complaint nor the instant motion specify an amount of damages sought to be awarded. Under these circumstances, Plaintiff has not submitted sufficient evidence to support her request for monetary damages.

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Default Judgment, (Doc. No. 6), is DENIED WITHOUT PREJUDICE to file a renewed motion providing argument, applicable law, and evidence to support default judgment as to liability and to allow the Court to independently determine the amount of damages, if any, to award.

IT IS SO ORDERED.

Signed: February 14, 2024


Frank D. Whitney
United States District Judge

